

CASE

NUMBER:

99 - 199

Index for Case: 1999-00199UAC

AS OF : 01/30/02

SprintCom, Inc.

c/o Sprint PCS

Construct

Uniform Application Confidential

CELL SITE - 148A FENDER ROAD - MELBOURNE, CAMPBELL

IN THE MATTER OF THE APPLICATION OF SPRINTCOM, INC., FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE CINCINNATI BASIC TRADING AREA (ROSS FACILITY)

SEQ NBR	Date	Remarks
1	06/30/99	Application.
2	07/02/99	Acknowledgement letter.
3	07/08/99	No deficiency letter.
4	(M) 07/19/99	PROTEST OF CELL TOWER DUE TO POTENTIAL HEALTH RISKS (JUDY L. NEIFF, M.D.)
5	(M) 07/19/99	CAMPBELL CO. MUNICIPAL PLANNING & ZONING, APPROVAL OF CELL SITES (STEVEN R. DOWELL/ATTORNEY)
6	(M) 08/04/99	MOTION TO SUBMIT MATTER FOR APPROVAL ON THE RECORD (SANDRA KEENE SPRINTCOM)
7	09/01/99	FINAL ORDER GRANTING CONSTRUCTION
8	(M) 09/15/99	APPLICANTS RENEWED MOTION TO SUBMIT MATTER FOR APPROVAL ON RECORD (SPRINTCOM SANDRA KEENE)
9	02/14/00	First reminder letter to Jeffrey Pfaff cc: Sandra Keene.
10	03/14/00	Final Notice of Non-Compliance to Jeffrey M. Pfaff re: FAA/KAZC applications.
11	03/16/00	Letter to Jeffrey Pfaff advising/disregard 3/14/2000 Final Notice/Non-Compliance



Paul E. Patton, Governor
Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Martin J. Huelsmann
Executive Director
Public Service Commission

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602-0615
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

B. J. Helton
Chairman

Edward J. Holmes
Vice Chairman

Gary W. Gillis
Commissioner

March 16, 2000

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
C/O Sprint PCS
4900 Main St., 11th Floor
Kansas City, MO 64112

Re. Case No. 1999-199 UAC

Dear Mr. Pfaff,

Please disregard the Commission's letter sent to you dated March 14, 2000 regarding Final Notice of Non-Compliance for FAA and KAZC applications. The Commission has received the FAA and KAZC approvals and regrets any inconvenience caused to SprintCom, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Howell Brady, Jr.".

H. Howell Brady, Jr.
Principal Assistant to
The Executive Director

HHB/lc

C: Honorable Sandra F. Keene





Paul E. Patton, Governor
Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Martin J. Huelsmann
Executive Director
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March 14, 2000

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
C/O Sprint PCS
4900 Main St., 11th Floor
Kansas City, MO 64112

Re: Case No. 1999-199 UAC
FINAL NOTICE OF NON-COMPLIANCE

Dear Mr. Pfaff:

On September 1, 1999, the Commission entered the Final Order in this case; that order required you to file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions. You have not filed these copies. On February 14, 2000, we mailed you a First Non-Compliance Reminder Letter requesting these copies within 15 days. To date, we still have not received these copies.

You must file these copies not later than 15 days from the date of this letter. Please mail the copies to Martin J. Huelsmann, Executive Director, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, KY 40602-0615.

If you do not file these copies timely, you will cause the Commission to take appropriate action against you. If you have any questions concerning this letter, please contact Howell Brady, Principal Assistant to the Executive Director, at 502-564-3940, extension 265.

Yours truly,

A handwritten signature in black ink, appearing to read "Howell Brady, Jr.", written over a horizontal line.

H. Howell Brady, Jr.
Principal Assistant to the
Executive Director

HB/lc

C: Honorable Sandra F. Keene





Paul E. Patton, Governor
Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Martin J. Huelsmann
Executive Director
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B. J. Helton
Chairman

Edward J. Holmes
Vice Chairman

Gary W. Gillis
Commissioner

March 14, 2000

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
C/O Sprint PCS
4900 Main St., 11th Floor
Kansas City, MO 64112

Re: Case No. 1999-199 UAC
FINAL NOTICE OF NON-COMPLIANCE

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Yours truly,

A handwritten signature in black ink, appearing to read "Howell Brady, Jr.", written over a horizontal line.

H. Howell Brady, Jr.
Principal Assistant to the
Executive Director

HB/ic

C: Honorable Sandra F. Keene





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Martin J. Huelsmann
Executive Director
Public Service Commission

Paul E. Patton
Governor

February 14, 2000

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
C/O Sprint PCS
4900 Main St., 11th Floor
Kansas City, MO 64112

Re: Case No. 99-199 UAC
First Reminder Letter

Dear Mr. Pfaff:

The Commission entered its Final Order in this case on September 1, 1999. Among other things, the Commission ordered that SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions. This must be filed to fully comply with the Commission's Order. Please make this filing, referencing the case number 99-199 UAC.

If you have questions concerning this letter, please contact Howell Brady, Principal Assistant to the Executive Director at 502-564-3940, extension 265. Otherwise, please mail the required filing to Martin J. Huelsmann, Executive Director, Public Service Commission, 211 Sower Blvd., Post Office Box 615, Frankfort, Kentucky 40602.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary to the Commission

C: Honorable Sandra F. Keene

SB/lc





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-199 UAC
SPRINTCOM, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on September 1, 1999.

Parties of Record:

Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202

Stephanie D. Bell

Secretary of the Commission

SB/sa
Enclosure

3-11-18

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE) 99-199-UAC
CINCINNATI BASIC TRADING AREA [ROSS FACILITY])

O R D E R

On June 30, 1999, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") for the Cincinnati Basic Trading Area. SprintCom has requested authorization to construct a PCS site in Campbell County. SprintCom was previously granted the authority to operate in Case No. 97-294.¹

The proposed PCS site is located at 148A Fender Road, Melbourne, Campbell County, Kentucky ("the Ross PCS site"). The coordinates for the Ross PCS site are North Latitude 38° 58' 53.6" by West Longitude 84° 18' 54.2".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Ross PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

¹ Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

Pursuant to KRS 100.987(2), SprintCom has submitted the uniform application and received approval from the Kenton County & Municipal Planning & Zoning Commission for the pending construction. SprintCom has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Ross PCS site. Both applications are pending.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Ross PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SprintCom.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Ross PCS site under its previously approved tariff.

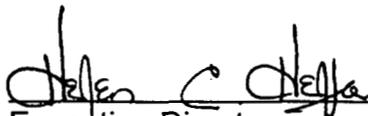
IT IS THEREFORE ORDERED that:

1. SprintCom is hereby granted a Certificate of Public Convenience and Necessity to construct and operate the Ross PCS site.
2. SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site within 10 days of receiving these decisions.
3. SprintCom shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 1st day of September, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
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Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

July 26, 1999

Dr. Judy L. Neff
601 Lake Knoll Court
Erlanger, KY 41018

Re: Case No. 99-199 UAC

Dear Dr. Neff:

Thank you for your letter of July 13, stating your concerns regarding the utility construction proposed in the above-referenced case. Your letter has been placed in the official case file of this proceeding. Please be assured that the Commission will carefully scrutinize this matter before rendering a final decision.

It may be helpful for you to know the state authority, specifically that of the Public Service Commission, in this matter has been limited by federal law. For example, Section 704 of the federal Telecommunications Act of 1996 prohibits this Commission from regulating the placement of wireless facilities on the basis of environmental effects of the radio frequency emissions to the extent that facilities comply with Federal Communications Commission regulations. Section 704 also prohibits a state or local government from prohibiting telecommunications facilities construction if such denial will have the effect of prohibiting service. In addition, this Commission is required by statute to ensure that utility service, including telecommunications service, is adequate and reliable. The Commission does, however, consider appropriate placement of necessary facilities within applicable engineering boundaries. It also pursues a policy of collocation of facilities whenever possible.

Also, please be advised that this Commission is prohibited by law from releasing information contained in this application other than "information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility." KRS 278.665. The statute states that such information is "deemed confidential and proprietary," and that the Commission "shall deny any public request for the inspection of this information ... except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree..." Id.



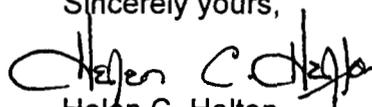
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Dr. Judy L. Neff
July 26, 1999
Page 2 of 2

You may contact the applying utility and request additional information. Before supplying such information, the utility may require you to enter into an agreement specifying that you will not release the information to other persons. The attorney of record for the applying utility in this case is Sandra F. Keene, Tilford, Dobbins, Alexander, Buckaway & Black, 1400 One Riverfront Plaza, Louisville, KY, 40202. Her telephone number is (502) 584-6137.

Once again, thank you for your interest and concern.

Sincerely yours,



Helen C. Helton
Executive Director

/rlm



July 13, 1999

TO: Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40502

FROM: Judy L. Neff, M.D.
601 Lake Knoll Ct.
Erlanger, KY 41018

RE: Docket No. 99-199 UAC

RECEIVED

JUL 19 1999

PUBLIC SERVICE
COMMISSION

I am writing in response to your correspondence detailing plans for a 350 foot Sprint telecommunications tower to be placed at 148A Fender Road in Melbourne, Kentucky. I recently purchased property adjacent to this area (at 150 Fender Road) for the purpose of building a new home.

My minor concern in this regard is that a tower of this size would represent a tremendous eyesore in a residential community.

However, my major concern is that as a physician, I am aware of numerous studies documenting potential health risks involving repetitive and/or chronic exposure to such towers. Due to health concerns for myself, my family, as well as others living in this area, I strongly object to the placement of this tower in this particular area. The Fender Road area has recently become more populated with new home sites, and as well is home to numerous established families. It would seem only reasonable and prudent to place it further out in the county in a less populated area where less residential building is taking place or is anticipated.

I urge you to consider potential future health risks of the Melbourne residents (which will shortly include myself and my family) and seek another site for construction. I would hope and expect that anyone, including yourself, would place health concerns above economic ones.

If this site choice is maintained despite this objection, then this statement of protest is putting you as well as SprintCom, Inc. on notice and thereby potentially holding you liable for any damages that may result from any adverse health effects arising in the future related to exposure to this source.

Sincerely,



Judy L. Neff, M.D.

cc: SprintCom, Inc.
Campbell County Planning Commission
Mark Dobbins and Sandra Keene
of Tilford, Dobbins, Alexander, Buckaway & Black

STEVEN R. DOWELL
Attorney at Law
335 East Third Street, Suite 210
The Taylor Mansion
Newport, Kentucky 41071

RECEIVED
JUL 19 1999
PUBLIC SERVICE
COMMISSION

Telephone (606) 491-1965 Facsimile (606) 491-9178

July 16, 1999

Ms. Helen C. Helton, Executive Director
KENTUCKY PUBLIC SERVICE COMMISSION
730 Schenkel Lane
Frankfort, Kentucky 40602

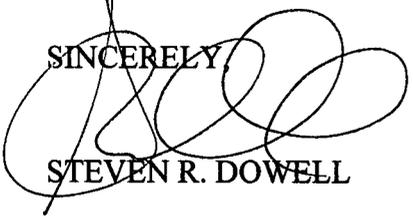
RE: SPRINT, PCS
PSC NO.: 99-199-UAC
99-202-UAC
99-203-UAC

Dear Ms. Helton:

Please be advised that I represent the Campbell County and Municipal Planning and Zoning Commission. Pursuant to its statutory duty to inform the Kentucky Public Service Commission (CCMPZ) within sixty (60) days of an application, please be advised that on July 13, 1999 the (CCMPZ) approved three site plans for cellular towers proposed to be located within the unincorporated sections of Campbell County. The PSC numbers for your records are listed above. I anticipate that the minutes of this meeting will be approved at the CCMPZ's next meeting making the approval final.

As always, should you have any questions or comments, please do not hesitate to contact me.

SINCERELY,


STEVEN R. DOWELL

SRD/sd



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 8, 1999

Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202

RE: Case No. 99-199 UAC
SPRINTCOM, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB
Enclosure

FILED

JUN 30 1999

**PUBLIC SERVICE
COMMISSION**

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

FILED
JUN 30 1999
PUBLIC SERVICE
COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.,)	
FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	CASE NO. 99-199 UAC
COMMUNICATIONS SERVICES FACILITY)	
IN THE CINCINNATI BASIC TRADING AREA)	
[ROSS FACILITY])	

SprintCom, Inc., has filed an application to construct a wireless telecommunciations facility at 148A Fender Road, Melbourne, Campbell County, Kentucky. The coordinates for the proposed facility are: Latitude:38-58-53.6 ; Longitude: 84-18-54.2.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 2, 1999

Jeffrey M. Pfaff
Legal/Regulatory Department
SprintCom, Inc.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202

RE: Case No. 99-199 UAC
SPRINTCOM, INC.
(Construct) CELL SITE - 148A FENDER ROAD - MELBOURNE, CAMPBELL

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 30, 1999 and has been assigned Case No. 99-199. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

FILED

JUN 30 1999

**PUBLIC SERVICE
COMMISSION**

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

FILED
JUN 30 1999
PUBLIC SERVICE
COMMISSION

In the matter of:

APPLICATION OF SPRINTCOM, INC.,)	
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CERTIFICATE OF PUBLIC CONVENIENCE AND)	
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G:\OFFICE\MWD\SPCOMB\015\PUBLICNO.1

TILFORD, DOBBINS, ALEXANDER,
BUCKAWAY & BLACK

ATTORNEYS AT LAW

1400 ONE RIVERFRONT PLAZA
LOUISVILLE, KENTUCKY 40202

(502) 584-6137

STUART E. ALEXANDER, JR.
WILLIAM A. BUCKAWAY, JR.
CHARLES W. DOBBINS, JR.
TERRELL L. BLACK
JOHN M. NADER³
MARK W. DOBBINS
STUART E. ALEXANDER, III
JOHN A. WILMES
SANDRA F. KEENE
THOMAS J. B. HURST
H. KEVIN EDDINS¹

CAROLYN K. BALLEISEN²

RANDOLPH NOE¹
MICHAEL G. KAREM⁴
* Of Counsel

HENRY J. TILFORD (1880-1968)
CHARLES W. DOBBINS (1916-1992)
DONALD H. BALLEISEN (1924-1993)
LAWRENCE W. WETHERBY (1908-1994)

TELECOPIERS
(502) 584-2318
(502) 587-1806

¹Also admitted in Indiana
²Also admitted in New York

³Also admitted in District of Columbia
and Maryland

⁴Also admitted in District of Columbia

RECEIVED

MAY 18 1999

PUBLIC SERVICE
COMMISSION

NOTICE OF INTENT TO FILE A CELL SITE APPLICATION

May 17, 1999

Stephanie Bell
Secretary of the Commission
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RE: Case No. 99-¹⁹⁹~~191~~ UAC

Dear Ms. Bell:

This letter is to confirm my request for a case number on May 10, 1999. The Application is on behalf of SprintCom, Inc., for a cell site located in Ross, Campbell County, Kentucky. I was given Case Number 99-191 UAC. We intend to file the Application no later than June 15, 1999, and we understand that the Case Number assigned to us in this matter may be reassigned if we have not submitted an Application by this date. If there are any questions, you may contact Mark Dobbins, Sandra Keene, or Heather Kuhn at 502-584-6137.

Thank you for your attention in this matter.

Sincerely,



Sandra F. Keene